

Panaji, 5th November, 1992 (Kartika 14, 1914)

SERIES I No. 32

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

Department of Personnel

#### Notification

1/1/88-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the posts, the Governor of Goa hereby makes the following rules relating to recruitment to the Goa General Service, Group 'B' posts, in the State Institute of Education, Directorate of Education, Government of Goa, namely:—

#### 1. *Short title, application and commencement:*—

(1) These rules may be called the Government of Goa, Directorate of Education, Group 'B' Gazetted posts, Recruitment Rules, 1992.

(2) *Application.*—These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. *Number, classification and scales of pay.*—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*—The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. *Disqualification.*—No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*—Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letters Nos. COM/II/13/15(3)/92 dated 11-3-1992, COM/II/13/15(2)/92 dated 11-3-1992 and COM/II/13/15(4)/92 dated 11-3-1992.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).  
Panaji, 21st August, 1992.

## SCHEDULE

Name/ Designation of post	Number of posts	Classi- fication	Scale of pay	Whether Selection post or non- Selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissi- ble under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & edu- cational qualifica- tions pres- cribed for the direct recruits will apply in the case of promotees	Period of proba- tion if any	Method of recruitment whe- ther by direct recruitment or by promotion or by deputation/trans- fer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputa- tion/transfer, grades from which promo- tion/deputation/ transfer is to be made	If a D.P.C. exists, what is its com- position	Circums- tances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Editor (Art & Cultu- re)	1 (1992) sub- ject to varia- tion depend- ent on work- load.	Goa General Service Group 'B' Ga- zatted.	Rs. 2000- -60-2300- -EB-75- -3200- -100- -3500.	N. A.	Not exceed- ing 35 years (Relaxable for Govern- ment ser- vants by 5 years in accordance with the instructions or orders issued by the Govern- ment).	No	<i>Essential:</i> i) Post graduate in Fine Arts (Applied Art)/ (Painting) from a re- cognised University or equivalent. ii) 5 years experience of teaching Art at Se- condary / Higher Se- condary after obtain- ing the Post Gradua- te Degree.  <i>Desirable:</i> i) Experience in writing on the subject of Art/ Art criticism. ii) Knowledge of Indian Music and acting.	N. A.	Two years.	By transfer/ /transfer on deputation failing which by Direct Re- cruitment.	By transfer/transfer on deputation from State Government Officials: i) Holding analogous post on regular basis. ii) With 5 years of regular service in the post of teacher Grade I or equiva- lent and posses- sing the educatio- nal qualification prescribed for Di- rect Recruitment in Column 7. (Period of deputa- tion in another ex-ca- dre post held, imme- diately, in the same or some other organi- sation/Department of the Central/State Go- vernment shall not exceed 3 years).	Group 'B' D. P. C. (for con- sidering confir- mation) consisting of: i) Chair- man/ Mem- ber G.P.S. C. — Chair- man. ii) Chief Secre- tary or his nomi- nee — Mem- ber. iii) Admi- nistrative Secre- tary/ Head of De- part- ment— Mem- ber. (For con- firma- tion).	As requi- red under the G. P. S. C. (Exemption from Con- sultation) Regulations, 1988. Consul- tation with the G.P.S.C. necessary while ma- king direct recruitment, promotion, selecting an officer for appointment on deputa- tion and amending/ relaxing any of the pro- visions of these Rules.
Editor for Konkani	1 (1992) sub-	Goa General Service	Rs. 2000- -60-2300- -EB-75-	N. A.	Not exceed- ing 35 years (Relaxable	No	<i>Essential:</i> i) Second class Mas- ter's Degree in Kon-	N. A.	Two years.	By transfer/ /transfer on deputation	By transfer/transfer on deputation from State Government	Group 'B' D. P. C. consisting	As requi- red under the G. P. S. C.

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sed University or  
equivalent.
- ii) B. Ed.
- iii) Must have published  
work in Konkani in  
Devnagiri Script.

*Desirable:*

- i) Experience in writ-  
ing School text  
books.
- ii) Experience of tea-  
ching Konkani as a  
subject in Secondary  
Schools for a period  
of atleast one year,  
after the Post-Gra-  
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- iii) Knowledge of Mara-  
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Officials:

- i) Holding analogous  
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- ii) With 5 years of  
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5 years in  
accordance  
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instructions  
or orders  
issued by  
the Govern-  
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No

*Essential:*

- i) Second class Mas-  
ter's Degree in Phy-  
sical Education from  
a recognised Univer-  
sity or equivalent.
- ii) Knowledge of En-  
glish, Konkani and  
Marathi.
- iii) 5 years teaching ex-  
perience in Physical  
Education at Sec-  
ondary/Higher Sec-  
ondary School, after  
Post Graduate De-  
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*Desirable:*

Experience in writing  
books/articles on Physi-  
cal Education.

N. A.

Two  
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By transfer/  
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By transfer/transfer  
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Group 'B'  
D. P. C.  
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**Notification**

6/51/87-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa hereby makes the following rules, so as to amend the Goa State Civil Services (Encashment of Earned Leave) Rules, 1989, namely:—

1. *Short title and commencement*:— (1) These rules may be called the Goa State Civil Services (Encashment of Earned Leave) (First Amendment) Rules, 1992.

(2) They shall be deemed to have come into force with effect from 1-7-1989.

2. *Amendment of Rule 2*:— After rule 2 of the Goa State Civil Services (Encashment of Earned Leave) Rules, 1989, the following rule shall be inserted, namely:—

“3. *Power to relax*: Where the Head of any Department/Office under the Government is satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case, then he may by order, for reasons to be recorded in writing, dispense with or relax the requirements of such provisions to such an extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the approval of the Government after obtaining concurrence of Personnel and Finance Department.”

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).

Panaji, 16th October, 1992.

**Finance (Revenue & Control) Department****Notification**

5/7/92-Fin (R&amp;C)

In exercise of the powers conferred by sub-section (2) of section 10 of the Goa Sales Tax Act, 1964 (Act 4 of 1964) (hereinafter called the 'said Act'), the Government of Goa hereby amends the Second Schedule appended to the said Act as follows:—

In entry 63 of the Second Schedule appended to the said Act, in item (iv), after the words “cook-stove (chulla)”, the words “and components thereof” shall be inserted.

This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Prabha Chandran, Under Secretary (Fin. Exp.).

Panaji, 20th October, 1992.

**Law (Legal and Legislative Affairs) Department****Notification**

10-6-92/LA

In exercise of the powers conferred by clause (d) of sub-section (1) of section 88 of the Registration Act, 1908 (Central Act 16 of 1908), the Government of Goa hereby amends the Government Notification No. LD/1618/76 dated 9-9-1976 (hereinafter called the 'said Notification'), as follows:—

In the said Notification, for the words “Deputy Chief Executive Officer”, the words “General Manager (Administration)” shall be substituted.

By order and in the name of the Governor of Goa.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 16th October, 1992.

**Notification**

10-2-92/LA

The Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Ordinance, 1992 (No. 15 of 1992) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23-9-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th October, 1992.

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**  
(Legislative Department)

New Delhi, the 23rd September, 1992/Asvina 1, 1914  
(Saka)

**The Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Ordinance, 1992**

No. 15 of 1992

Promulgated by the President in the Forty-third Year of the Republic of India.

*An Ordinance to provide for and regulate the payment of interest on delayed payments to small scale and ancillary industrial undertakings and for matters connected therewith or incidental thereto.*

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement*.— (1) This Ordinance may be called the Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Ordinance, 1992.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “ancillary industrial undertaking” has the meaning assigned to it by clause (aa) of section 3 of the Industries (Development and Regulation) Act, 1951;

65 of 1951

(b) “appointed day” means the day following immediately after the expiry of the period of thirty days from the day of acceptance or the day of deemed acceptance of any goods or any services by a buyer from a supplier.

*Explanation.*—For the purposes of this clause,—

(i) “the day of acceptance” means,—

(a) the day of the actual delivery of goods or the rendering of services; or

(b) where any objection is made in writing by the buyer regarding acceptance of goods or services within thirty days from the day of the delivery of goods or the rendering of services, the day on which such objection is removed by the supplier;

(ii) “the day of deemed acceptance” means, where no objection is made in writing by the buyer regarding acceptance of goods or services within thirty days from the day of the delivery of goods or the rendering of services, the day of the actual delivery of goods or the rendering of services;

(c) “buyer” means whoever buys any goods or receives any services from a supplier for consideration;

(d) “goods” means every kind of movable property other than actionable claims and money;

(e) “small scale industrial undertaking” has the meaning assigned to it by clause (j) of section 3 of the Industries (Development and Regulation) Act, 1951;

65 of 1951

(f) “supplier” means an ancillary industrial undertaking or a small scale industrial undertaking holding a permanent registration certificate issued by the Directorate of Industries of a State or Union territory.

3. *Liability of buyer to make payment.*—Where any supplier supplies any goods or renders any services to any buyer, the buyer shall make payment therefor on or before the date agreed upon between him and the supplier in writing or, where there is no agreement in this behalf, before the appointed day.

4. *Date from which and rate at which interest is payable.*—Where any buyer fails to make payment of the amount to the supplier, as required under section 3, the buyer shall, notwithstanding anything contained in any agreement between the buyer and the supplier or in any law for the time being in

force, be liable to pay interest to the supplier on that amount from the appointed day or, as the case may be, from the date immediately following the date agreed upon, at such rate which is five per cent. points above the floor rate for comparable lending.

*Explanation.*—For the purposes of this section, “floor rate for comparable lending” means the highest of the minimum lending rates charged by scheduled banks (not being co-operative banks) on credit limits in accordance with the directions given or issued to banking companies generally by the Reserve Bank of India under the Banking Regulation Act, 1949. 10 of 1949.

5. *Liability of buyer to pay compound interest.*—Notwithstanding anything contained in any agreement between a supplier and a buyer or in any law for the time being in force, the buyer shall be liable to pay compound interest (with monthly rests) at the rate mentioned in section 4 on the amount due to the supplier.

6. *Recovery of amount due.*—The amount due from a buyer, together with the amount of interest calculated in accordance with the provisions of sections 4 and 5, shall be recoverable by the supplier from the buyer by way of a suit or other proceeding under any law for the time being in force.

7. *Appeal.*—No appeal against any decree, award or other order shall be entertained by any Court or other authority unless the appellant (not being a supplier) has deposited with it seventy-five per cent of the amount in terms of the decree, award or, as the case may be, other order in the manner directed by such Court or, as the case may be, such authority.

8. *Requirement to specify unpaid amount with interest in the annual statement of accounts.*—Where any buyer is required to get his annual accounts audited under any law for the time being in force, such buyer shall specify the amount together with interest in his annual statement of accounts as remains unpaid to any supplier at the end of each accounting year;

9. *Interest not to be allowed as deduction from income.*—Notwithstanding anything contained in the Income-tax Act, 1961 the amount of interest payable or paid by any buyer, under or in accordance with the provisions of this Ordinance, shall not, for the purposes of computation of income under that Act, be allowed as deduction. 43 of 1961.

10. *Overriding effect.*—The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

SHANKER DAYAL SHARMA,  
President.

K. L. MOHANPURIA,  
Secy. to the Govt. of India.